

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

COMPLIANCE FILING IN THE MATTER OF THE)
APPLICATION OF DELMARVA POWER & LIGHT)
COMPANY FOR APPROVAL OF QUALIFIED FUEL) PSC DOCKET NO. 17-0369
CELL PROVIDER PROJECT TARIFF)
(FILED MAY 25, 2017, AMENDED JUNE)
15, 2017))

ORDER NO. 9079

AND NOW, this 20th day of June 2017, the Delaware Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on July 7, 2011, the Governor of the State of Delaware signed into law certain amendments (78 Del. Laws c. 99) (July 7, 2001) (the "Amendments") to the Renewable Energy Portfolio Standards Act, 26 Del. C. §§ 351 - 364 (the "REPSA") that added Delaware-manufactured fuel cells to the REPSA and allowed energy output from such fuel cells to be considered a resource eligible to fulfill a portion of a Commission-regulated electric company's renewable energy credit requirements under REPSA; and

WHEREAS, the Amendments were part of a comprehensive State economic development and renewable energy program in which a new form of base load generation was added in Delaware; and

WHEREAS, the Amendments created a regulatory framework whereby a Commission-regulated electric company and a Qualified

Fuel Cell Provider ("QFCP")¹ will jointly submit tariffs² that enable and obligate a Commission-regulated electric company, as the agent for collection and disbursement, to collect from its customers non-bypassable charges for costs incurred for incremental site preparation, filing, administrative, and other costs incurred by the QFCP, reduced by compensation for any revenues received from PJM³ or its successors at law from the output of the Qualified Fuel Cell Provider Project ("QFCPP");⁴ and

WHEREAS, in accordance with the Amendments, the Commission was directed to either approve or reject all tariff filings as proposed, without alteration or the imposition of any condition or conditions; and

WHEREAS, on August 19, 2011, Delmarva Power & Light Company ("Delmarva") filed an application in PSC Docket No. 11-362 for approval of a new electric tariff for Service Classification QFCP-RC and a new gas tariff for Service Classification LVG-QFCP-RC pursuant to the Amendments; and

WHEREAS, on October 18, 2011, the Commission issued PSC Order No. 8062, which approved Delmarva's tariff filing and

¹ A "Qualified Fuel Cell Provider" is defined in 26 Del. C. § 352(16).

² The requirements for the tariffs are set forth in a previous Commission's Order in PSC Docket 11-362, PSC Order No. 8025, and dated September 6, 2011. See also 26 Del. C. § 364(b) and (d).

³ "PJM" means the regional transmission organization that coordinates the movement of wholesale electricity in the PJM region, or its successors at law. See 26 Del. C. § 352(14).

⁴ Under 26 Del. C. § 352(17), a "qualified fuel cell provider project" means a fuel cell power generation project located in Delaware owned and/or operated by a qualified fuel cell provider under a tariff approved by the Commission pursuant to 26 Del. C. § 364(d).

ordered that the Commission would enter a formal Findings and Opinion in support of PSC Order No. 8062 at a later date; and

WHEREAS, on December 1, 2011, the Commission issued PSC Order No. 8079, which, among other things, adopted Order No. 8062, set forth the Commission's formal Findings and Opinion approving Delmarva's application for a new electric tariff and new gas tariff, and adopted the allowance adjustments made by the Secretary of the Delaware Department of Natural Resources and Environmental Control ("DNREC") to the Renewable Energy Credit ("REC")⁵ and Solar Renewable Energy Credit ("SREC");⁶ and

WHEREAS, pursuant to the Commission-approved Tariff for Service Classification QFCP-RC, Delmarva will file on a monthly basis with the Commission a copy of the computation of the Service Classification QFCP-RC Charge ("QFCP-RC Charge") with current factors and reconciliation factors at least thirty days prior to applying such QFCP-RC Charge on customers' bills. See P.S.C. Del. No. 8 - Electric, Original Leaf No. 74d, Section F; and

WHEREAS, on May 25, 2017, Delmarva submitted its sixty-third monthly filing, and amended the same on June 15, 2017 (the "Compliance Filing"), to account for the varying QFCP-RC Charge

⁵ Under 26 Del. C. § 352(18), a "Renewable Energy Credit" or "REC" means a tradable instrument that is equal to 1 megawatt-hour of retail electricity sales in the State that is derived from eligible energy resources and that is used to track and verify compliance with the provisions of the RPS.

⁶ Under 26 Del. C. § 352(25), a "Solar Renewable Energy Credit" or "SREC" means a tradable instrument that is equal to 1 megawatt-hour of retail electricity sales in the State that is derived from solar photovoltaic energy resources and that is used to track and verify compliance with the provisions of RPS.

for July 2017, including the typical charges and calculations. In addition, the reconciliation factors (true-ups) of the April billing revenues, April PJM revenues, and April operational costs were included in the QFCP-RC Charge; and

WHEREAS, the July 2017 QFCP-RC Charge, as amended, which is set forth on the attached **Exhibit "A,"** will be effective for bills issued between July 1, 2017, and July 31, 2017, absent the Commission's determination of manifest error; and

WHEREAS, the Commission Staff ("Staff") reviewed the Compliance Filing, the calculations supporting the July 2017 QFCP-RC Charge, and the source documents supporting the calculation of the July 2017 QFCP-RC Charge. Staff suspected inconsistencies in the May 25 filing, requiring several rounds of discovery and further discussion with Delmarva. This discovery supported Staff's conclusion of manifest error, necessitating the amended filing of June 15, in which Staff did not note any manifest errors; and

WHEREAS, the adjustment to the Compliance Filing on June 15, 2017 is a benefit to customers as the initial rate decreases. As such, pursuant to the provisions of 26 Del. C. § 364(d)(4), Delmarva requests that since this rate change results in a decrease to ratepayers, the Commission waive the additional 30-day notice and allow the revised rate to go into effect on July 1, 2017; and

WHEREAS, because Staff did not find any manifest errors in the June 15 amended filing, it recommends that the July 2017

QFCP-RC Charge be permitted to take effect for Delmarva customer bills issued between July 1, 2017, and July 31, 2017. This recommendation is subject, however, to two requirements. First, Delmarva shall provide to Staff, with each future Compliance Filing under the REPSA, all documents which Staff requested from Delmarva as part of the review of this and any prior Compliance Filings. This includes, but is not limited to, Delmarva's work papers. Second, this recommendation also is subject to the requirement that Staff reserves the right to perform more detailed audits of any and all months included in the Compliance Filing or any future tariff filings made to adjust the QFCP-RC Charge;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. The Commission approves the Compliance Filing as amended by Delmarva on June 15, 2017, including the July 2017 QFCP-RC Charge which is listed on the attached **Exhibit "A" and on good cause shown the Commission waives the 30-day notice requirement of 26 Del. C. § 364(d)(4).**

2. Delmarva shall provide to Staff, with each future Compliance Filing made pursuant to REPSA, all documents Staff requests or has requested as part of Staff's review of this Compliance Filing, including, but not limited to, Delmarva's work papers.

3. Staff hereby reserves the right to perform a more detailed audit of any months included in Delmarva's Compliance

Filing, and any and all months included in the Compliance Filing or any future tariff filings made to adjust the QFCP-RC Charge.

4. For any future claimed Tariff K payment,⁷ Delmarva must provide detailed information on the outage events, including, but not limited to, all information set forth in the outage event log Delmarva previously provided to Staff, before any recovery of a Tariff K payment will be considered.

5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chair

Commissioner

Commissioner

Commissioner

Commissioner

⁷ See Delmarva Power & Light Company, P.S.C. Del. No. 8 - Electric, Original Leaf No. 74h - 74j, Sections K(1) to K(7), which set forth the requirements for when Delmarva must collect from its customers and disburse to the QFCP Generator disbursements when there is a Force Majeure Event or Forced Outage Event

PSC Docket No. 17-0369, Order No. 9079 Cont'd

ATTEST:

Secretary

EXHIBIT "A"

July 2017 QFCP-RC Charge

<u>Service Classification</u>	<u>\$ per kWh</u>	<u>Change from Previous Month</u>
Residential	\$0.004924	\$0.000071
Residential- Space Heating	\$0.004924	\$0.000071
Residential Time-of-Use "R-TOU"*		
Residential Time-of-Use NON-Demand "R-TOU-ND"	\$0.004924	\$0.000071
Small General Service - Secondary Non-Demand "SGS-ND"	\$0.004924	\$0.000071
Space Heating Secondary Service "SGS-ND" and "MGS-S"	\$0.004924	\$0.000071
Water Heating Secondary Service "SGS-ND" and "MGS-S"	\$0.004924	\$0.000071
Outdoor Recreational Lighting Svc - Secondary "ORL"	\$0.004924	\$0.000071
Medium General Service - Secondary "MGS-S"	\$0.004924	\$0.000071
Large General Service - Secondary "LGS-S"	\$0.004924	\$0.000071
General Service - Primary "GS-P"	\$0.004826	\$0.000069
General Service - Transmission "GS-T"	\$0.004713	\$0.000068
Outdoor Lighting PL	\$0.004924	\$0.000071
Outdoor Lighting SL	\$0.004924	\$0.000071

* Effective with the January 2015 QFCP-RC Filing, the Residential Time-of-Use (R-TOU) rate class has been deleted in accordance with Delmarva Power & Light Company's tariff leaf changes submitted on May, 1, 2014, for PSC Docket No. 13-115.